IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 40 OF 2007

SHRI. ARCANJO D'SILVA AND ANR., ... Appellants
Versus
MRS. PELEZIA LOPES AND ANR., ... Respondents

r. Nitin Sardessai, Advocate for the appellants.

Mr. C. A. Coutinho, Advocate for the respondents No.1 and 2.

Coram:- R. S. MOHITE, J.

Date:- 6th July, 2007

P.C.

This is an appeal from an order dismissing the application for temporary injunction. The only temporary injunction that was sought pertained to interference with the alleged possession of the plaintiffs. The Advocate for the appellants fairly states that in the record of rights, the name of the defendant No.1 alone can be found. He, however, states that the defendants should not be allowed to construct or cut down trees. It is conceded that such a prayer is not there in the application at Exhibit - 5. Since there was no such a prayer, the defendants were not heard on this aspect of the matter. Hence, I am not inclined to entertain this appeal. The appeal is dismissed. It is made clear that dismissal of this appeal will not come in way of the plaintiffs making any further application before the trial Court. If such an application is made before the trial Court, the same will be decided by the trial Court on its own merits.

R. S. MOHITE, J.

ssm.